



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS MEETING**

**July 21, 2014
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

WELCOME & INTRODUCTION OF NEW MEMBERS

ELECTION OF CHAIR & VICE-CHAIR FOR 2014

DISCUSSION OF STANDING MEETING DATE & TIME

APPROVAL OF MINUTES

Regular Meeting: August 19, 2013 *[Pages 2-3]*

PUBLIC HEARING ITEMS

1. **CASE # 2014-258**
Fort Mill School District
Fort Mill High School
225 Munn Road
Tax Map # 020-09-01-001
Zoning District: LC
Applicant is requesting a variance from the zoning ordinance to allow a maximum lighting pole height in excess of 18' for school parking lots *[Pages 4-9]*
2. **CASE # 2014-259**
Don Lambert
422 Williamson Street
Tax Map # 020-06-02-032
Zoning District: R-10
Applicant is requesting a variance from the zoning ordinance to allow a detached carport in front of a primary residence, and a reduction of the side yard setback requirement from 5' to 3' *[Pages 10-16]*
3. **CASE # 2014-260**
Raymond Leamer
505 Harris Street
Applicant is requesting a variance from the zoning ordinance to allow a detached carport in front of a primary residence *[Pages 17-22]*

Tax Map # 020-01-14-013
Zoning District: R-15

ADJOURN

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
August 19, 2013
6:00 PM**

Present: Butch Cowart, Jim Thomas, Jay McMullen, David Bowman, Becky Campbell,
Planning Director Joe Cronin

Absent: Hynek Lettang

Guests: Dr. Tommy Schmolze (Fort Mill School District), Theron Pickens (Land Design)

Chairman Cowart called the meeting to order at 6:00 pm and welcomed everyone in attendance.

APPROVAL OF MINUTES

Mr. Thomas made a motion to approve the minutes of the June 17, 2013 meeting as submitted by staff. Mr. McMullen seconded the motion. The motion was approved by a vote of 5-0.

PUBLIC HEARING ITEMS

1. **Variance request from the Fort Mill School District (1300 Spratt Street – Riverview Elementary School Replacement) to allow to allow a maximum building height of 38' 3" and maximum lighting pole height of 30':** Planning Director Cronin provided a brief overview of the applicant's request. The first request was to allow the maximum height of the new elementary school to exceed the 35' maximum height requirement by 3' 3". The second request was to allow light poles of up to 30' in height, which exceeded the 16' zoning requirement for the R-15 District.

Chairman Cowart opened the public hearing. Dr. Tommy Schmolze of the Fort Mill School District and Theron Pickens of Land Design provided a brief overview of the requests, as well as the District's reasoning for the requests. No one else spoke in favor or in opposition to the requests.

Mr. Thomas asked about the location of the 30' poles. Mr. Pickens stated that the poles would be located along the driveway paralleling Spratt Street, as well within as the school parking lot. Chairman Cowart expressed concern about possible light spill into the Old Orchard subdivision and asked if shorter poles would work along the access driveway. A discussion took place.

There being no further discussion, Chairman Cowart called for a motion. Mr. Thomas requested that the two requests be voted upon separately. There was no objection.

Mr. McMullen made a motion, seconded by Mr. Thomas, to approve the lighting height variance with the following conditions: 1) Lighting fixtures along the access driveway shall be restricted to up to 24' in height; 2) Lighting fixtures along the access driveway adjacent

to the Old Orchard subdivision shall be shielded so as to prevent light spill into existing residential areas; and 3) Lighting fixtures for the remaining site shall be permitted up to 30' in height. The motion was approved by a vote of 5-0.

Mr. Thomas made a motion, seconded by Mr. Thomas, to approve the building height variance to allow a maximum height of 38' 3". The motion was approved by a vote of 5-0.

There being no further business, the meeting was adjourned at 6:45 pm.

Respectfully submitted,

Joe Cronin
Planning Director

**Town of Fort Mill
Board of Zoning Appeals
Item for Action**

**Item #1 CASE # 2014-258
Fort Mill School District
Fort Mill High School
225 Munn Road
Tax Map # 020-09-01-001
Zoning District: LC**

Applicant is requesting a variance from the zoning ordinance to allow a maximum lighting pole height in excess of 18' for school parking lots

Background / Discussion

The town has received a variance request from the Fort Mill School District for one proposed non-conformity related to the expansion of Fort Mill High School on Munn Road.

The purpose of this request is to allow the installation of lighting fixtures up to 28' in height, measured from grade to the top of the fixture. These lights are proposed to be located in parking and pedestrian areas of the site.

Article IV, Section 6(3)(a) of the town's zoning ordinance outlines the following requirement for lighting fixtures:

- a. Except as provided below, lighting fixtures in nonresidential zoning districts shall not exceed the following height:
 - 1. Eighteen feet in the local commercial (LC) zoning district.**
 2. Twenty-eight feet in the light industrial (LI), general industrial (GI), and highway commercial (HC) zoning districts, as well as non-residential uses within mixed use (MXU) zoning districts.

The petitioner has stated on his application that the purpose of the request is to minimize the number of light fixtures on the property, provide adequate clearance for school buses and vehicles, and to safely accommodate pedestrians on the site.

The subject property was formerly zoned HC Highway Commercial, which allowed lighting heights of 28' by right, with allowances for fixtures up to 35' in height in certain conditions. The property was rezoned, along with the Fort Mill Armory and St. Philip Neri Church, to LC Local Commercial on September 2011. The majority of the existing lights on the site are 28' or taller.

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to:

Hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.

A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) these conditions do not generally apply to other property in the vicinity;
 - (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

- (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Submitted by:

Joe Cronin
Planning Director
July 18, 2014

Town of Fort Mill
112 Confederate Street
P.O. Box 159
Fort Mill, South Carolina 29715

2014-258

ZONING APPEALS BOARD

VARIANCE APPEAL

Date Filed: July 18, 2014

Owner's Name: Fort Mill School District Four - Fort Mill High School

Address: 2233 Deerfield Drive / Fort Mill, SC 29715

Telephone: 803-548-2527

Property Address: Fort Mill High School / 225 Munn Road / Fort Mill, SC 29715

Current Use: High School

Zoning District: Local Commercial LC - see attached map (site was previously Highway Commercial HC, but was recently changed).

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request:

Higher light fixture mounting heights, up to 28 feet

2. Why did the administrative official deny a permit?

Not known if one has been denied

3. Is the property, current uses or existing structures, nonconforming? If yes, how are they nonconforming?

Existing light fixture heights exceed 18' (most exceed 28'). Also there are some existing pole mounted floodlights on the site.

4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:

This is a large high school where the facilities are used from early in the morning to late at night. Young kids, male and female, and families will be walking the site both at night and early in the morning. Existing conditions limit where new poles can be located.

5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?

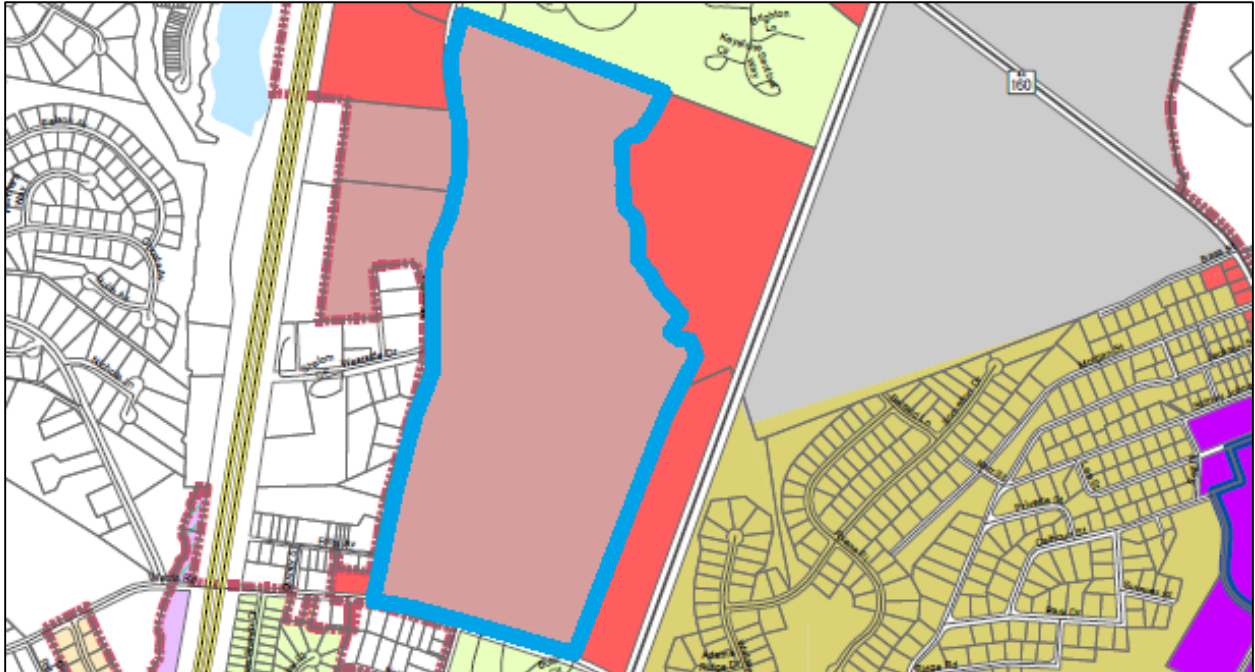
Existing conditions in many areas make it difficult to provide safe/adequate lighting within the light fixture mounting heights permitted for this zone (18'). The intent of the ordinance and the other criteria listed in the ordinance (full cutoff, minimal spill light, etc.) will still be achieved with the 28 foot mounting height.

NOTICES OF APPEAL SHALL BE POSTED ON AFFECTED PROPERTY SO AS TO BE CLEARLY VISIBLE FROM A TRAVELED STREET. THE OWNER OR APPELLANT IS INSTRUCTED TO MAINTAIN POSTING AND TO BE RESPONSIBLE FOR NOTIFYING THE TOWN PROMPTLY IF THE SIGN IS DAMAGED OR REMOVED. FAILURE TO DO SO MAY DELAY BOARD ACTION.

APPLICANT

DATE

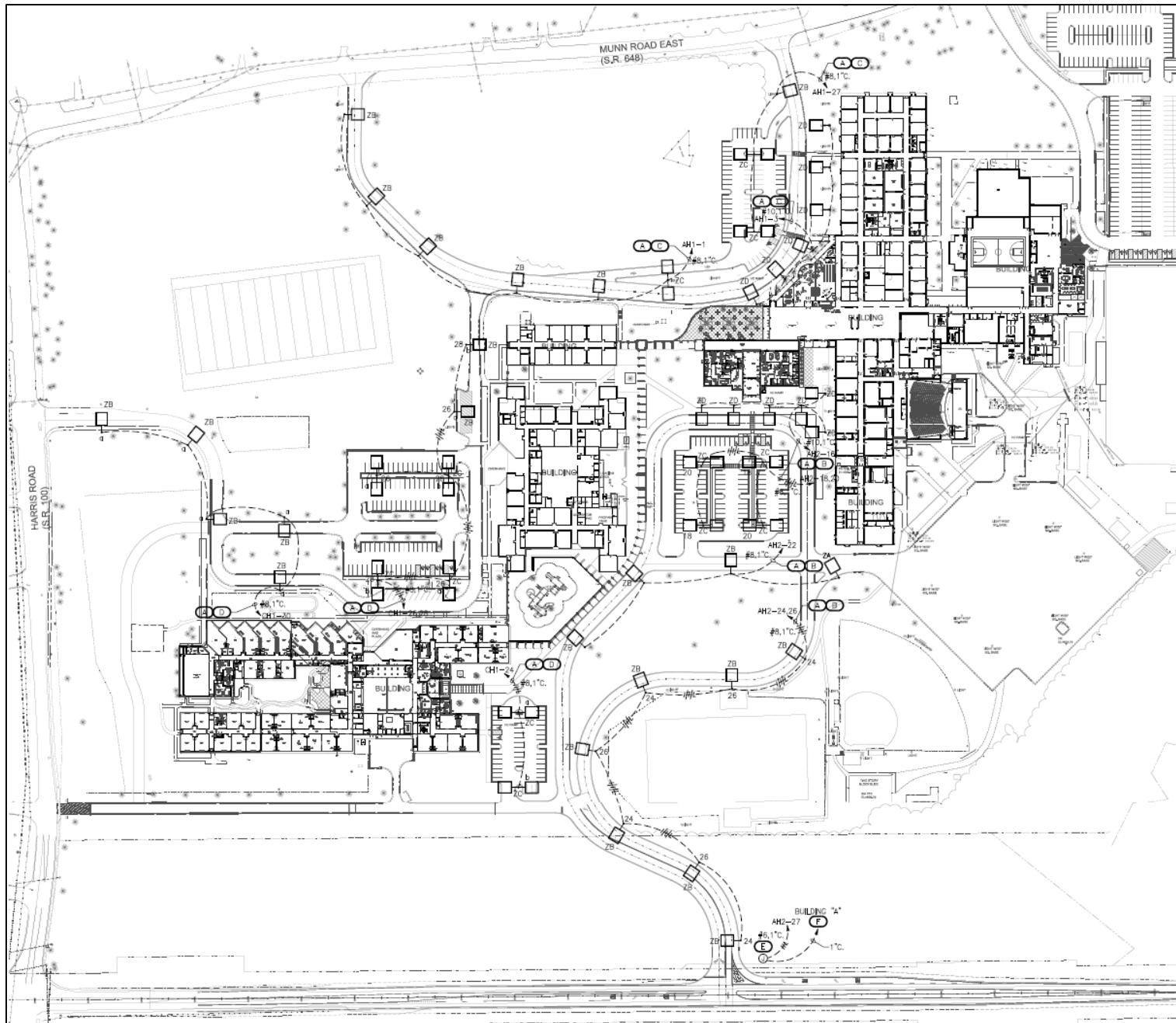
York County Tax Map # 020-09-01-001
Zoning Map



York County Tax Map # 020-09-01-001
Aerial Map







**Town of Fort Mill
Board of Zoning Appeals
Item for Action**

**Item #2 CASE # 2014-259
Don Lambert
422 Williamson Street
Tax Map # 020-06-02-032
Zoning District: R-10**

Applicant is requesting a variance from the zoning ordinance to allow a detached carport in front of a primary residence, and a reduction of the side yard setback requirement from 5' to 3'

Background / Discussion

The town has received a variance request from Mr. Don Lambert for two proposed non-conformities related to the installation of a 12' wide x 21' long detached carport (an "accessory use") at 422 Williamson Street.

The first request is to allow a detached carport in front of a primary residence. Under the town's zoning code, certain accessory structures shall not be permitted in front of primary structures.

Specifically, Article I, Section 7(G)(2) of the town's zoning ordinance restricts the following accessory uses in front of principal structures:

The following customary accessory uses **must not be in front of the principal structure** on a lot:

- A) **Unattached private garages or carports,**
- B) Shed or tool room for the storage of equipment used in grounds or building maintenance,
- C) Children's playhouse and play equipment,
- D) Private kennel for family pets, provided they are of the type authorized by town Ordinance,
- E) Private swimming pool and bath house or cabana,
- F) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes,
- G) Noncommercial flower, ornamental shrub, or vegetable garden greenhouse or slat house not over eight feet in height.

The second request is to permit a reduction in the side yard setback requirement from five (5) feet to three (3) feet. The applicant currently has a side yard setback of 15 feet from the property line to the house. By installing a detached 12 foot wide carport, the remaining side yard setback would be only three (3) feet, which is less than the amount required by the code for accessory structures.

Article II, Section 2(5)(E) of the town's zoning ordinance outlines the following setback requirement for accessory structures:

“Minimum side yard: R-10-Principal structure is ten feet with **accessory uses being five feet**. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.”

The petitioner has stated on his application that the purpose of the request is to protect his vehicle from the elements. Given the narrowness of the lot and the existing location of the driveway, the applicant believes that the proposed carport location would be the only feasible location.

Staff would like to note that there is an existing carport on the neighboring property (424 Williamson Street). While this carport does not extend into the front yard, it is located less than five (5) feet from the side property line. We have no definitive record on file as to if or when the neighboring carport was permitted, or whether a variance would have been required to permit its installation. There is also an overhead utility line that crosses the driveway in the location of the proposed carport.

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to:

Hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) these conditions do not generally apply to other property in the vicinity;
 - (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local

governing body may overrule the decision of the local board of adjustment concerning a use variance.

- (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Submitted by:

Joe Cronin
Planning Director
July 18, 2014

Town of Fort Mill
112 Confederate Street
P.O. Box 159
Fort Mill, South Carolina 29715

ZONING APPEALS BOARD
VARIANCE APPEAL

Date Filed: 6-20-14
Owner's Name: DONALD B. LAMBERT
Address: 422 WILLIAMSON ST FORT MILL SC.
Telephone: 803-487-1369
Property Address: 422 WILLIAMSON ST FORT MILL SC.
Current Use: HOME
Zoning District: _____

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request: NEED A 3 FEET VARIANCE
IN ORDER TO HAVE A CARPORT BUILT
2. Why did the administrative official deny a permit? DID NOT HAVE THE
NEEDED 5 FEET FROM PROPERTY LINE
3. Is the property, current uses or existing structures, nonconforming? NO If yes, how are they nonconforming?

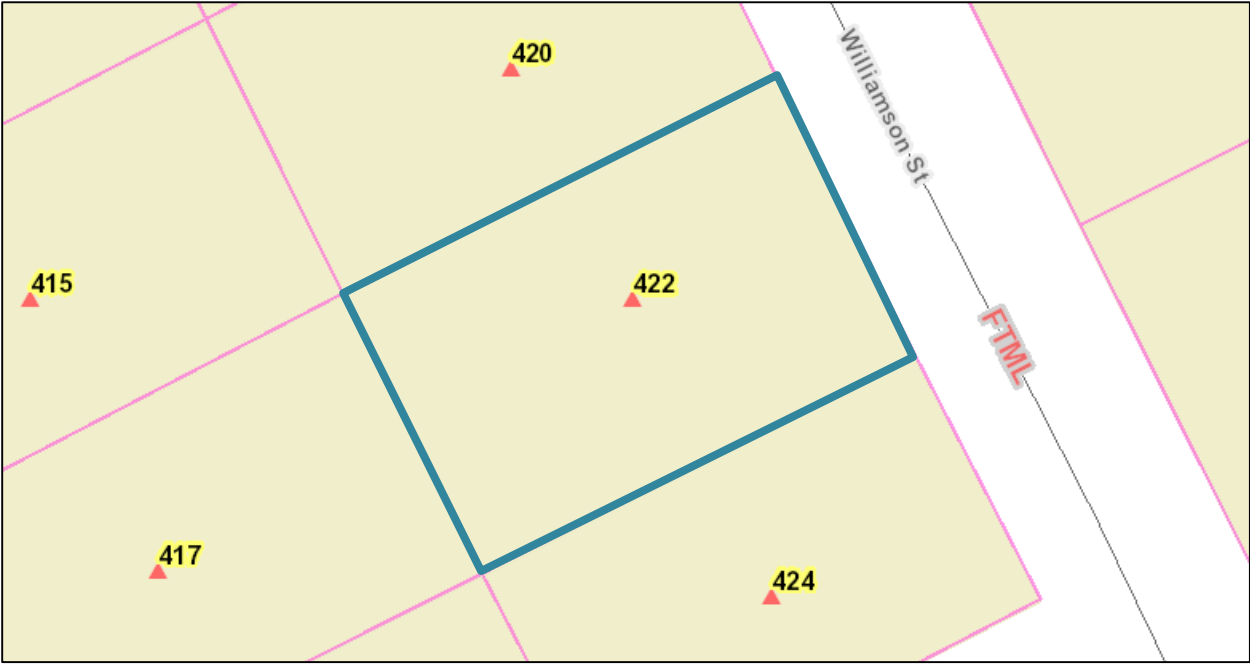
4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:
NONE THAT I KNOW OF
5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?
NEED ~~PRO~~ TO PROTECT MY CAR

NOTICES OF APPEAL SHALL BE POSTED ON AFFECTED PROPERTY SO AS TO BE CLEARLY VISIBLE FROM A TRAVELED STREET. THE OWNER OR APPELLANT IS INSTRUCTED TO MAINTAIN POSTING AND TO BE RESPONSIBLE FOR NOTIFYING THE TOWN PROMPTLY IF THE SIGN IS DAMAGED OR REMOVED. FAILURE TO DO SO MAY DELAY BOARD ACTION.

Donald B. Lambert
APPLICANT

6-20-14
DATE

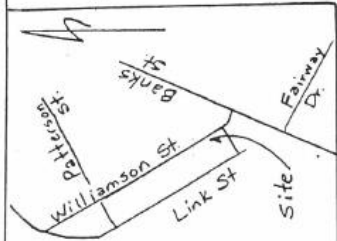
York County Tax Map # 020-06-02-032
Zoning Map



York County Tax Map # 020-06-02-032
Aerial Map







Vicinity Map
Town of Fort Mill

Ref. Pk. 15 Pg. 29 Link-Williamson St. Sls by L.J. Jordan,
dated Dec. 1956. Also Rb. 1049 Pg. 305 (Shaw Plat. 1994)
Tax Map # 20-6-2-32.

Ref. Map North

FILED-RECEIVED
BOOK 494 P. 28
NOV 14 1 33 PM '97

DAVID D. SHAW
J. SCOTT WELLS
J. SCOTT WELLS

Lot 31 BIK. B

Chase

Pb. 15 Pg. 29

WILLIAMSON ST. 40' R/W

E.P. Pipe
Fole

526° 28' 00" E

60.87

E.P. Pipe Tip

561° 49' 40" E

74.90

40' R/W

LINK ST.

Nail & Int.

Lot 33 BIK. B

Nash

Pb. 115 Pg. 548

94° 41' 11"

0.13 Acre

Lot 32 BIK. B

Residence

Shed

20' 2"

19.1'

34.5'

Detached

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**Town of Fort Mill
Board of Zoning Appeals
Item for Action**

**Item #3 CASE # 2014-260
Raymond Leamer
505 Harris Street
Tax Map # 020-01-14-013
Zoning District: R-15**

Applicant is requesting a variance from the zoning ordinance to allow a detached carport in front of a primary residence

Background / Discussion

The town has received a variance request from Mr. Raymond Leamer for one proposed non-conformities related to the installation of a detached carport (an “accessory use”) at 505 Harris Street.

The request is to allow a detached carport in front of a primary residence. Under the town’s zoning code, certain accessory structures shall not permitted in front of primary structures.

Specifically, Article I, Section 7(G)(2) of the town’s zoning ordinance restricts the following accessory uses in front of principal structures:

The following customary accessory uses **must not be in front of the principal structure** on a lot:

- A) **Unattached private garages or carports,**
- B) Shed or tool room for the storage of equipment used in grounds or building maintenance,
- C) Children's playhouse and play equipment,
- D) Private kennel for family pets, provided they are of the type authorized by town Ordinance,
- E) Private swimming pool and bath house or cabana,
- F) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes,
- G) Noncommercial flower, ornamental shrub, or vegetable garden greenhouse or slat house not over eight feet in height.

The proposed carport would be located more than five (5) feet from the side property line, so no additional variances would be required.

The petitioner has stated on his application that due to the topography of the lot, there is no other suitable place to locate a carport that would comply with the zoning requirements.

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to:

Hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) these conditions do not generally apply to other property in the vicinity;
 - (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

- (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Submitted by:

Joe Cronin
Planning Director
July 18, 2014

Town of Fort Mill
112 Confederate Street
P.O. Box 159
Fort Mill, South Carolina 29715

ZONING APPEALS BOARD
VARIANCE APPEAL

Date Filed: 7-1-14
Owner's Name: Raymond Leamer
Address: 505 Harris St. 29715
Telephone: 704-608-1825
Property Address: 505 Harris St.
Current Use: Residence
Zoning District: _____

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request: Would like to put a car port in the front of my house.
2. Why did the administrative official deny a permit? Does not comply with zoning
3. Is the property, current uses or existing structures, nonconforming? No If yes, how are they nonconforming?

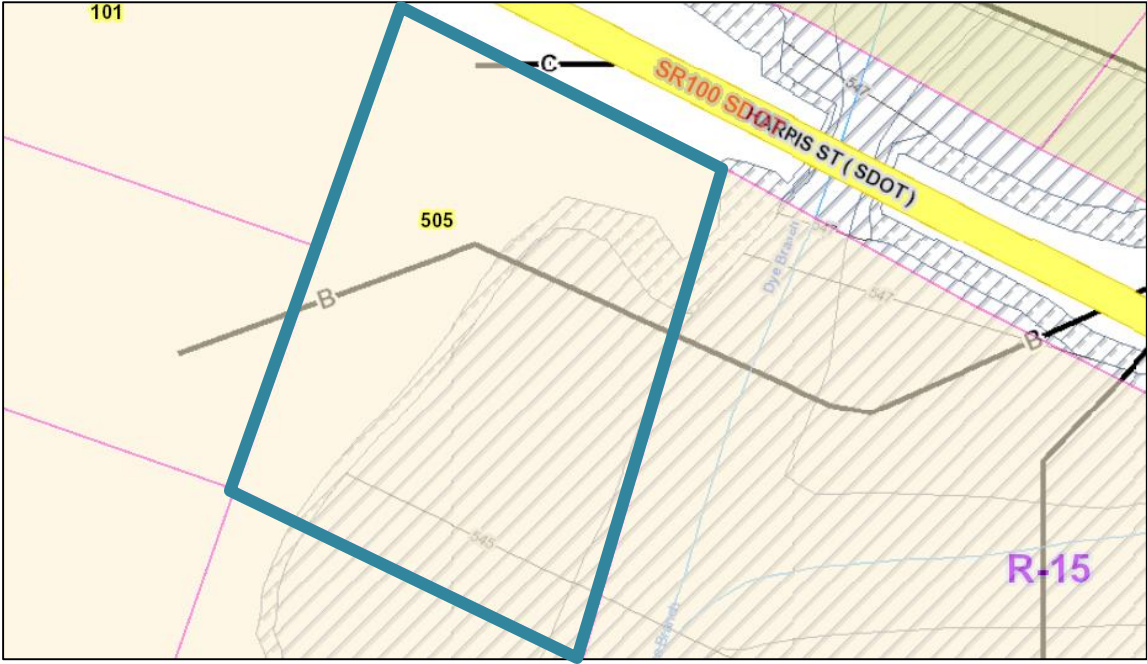
4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:
The west side of my house has only 6' of useable space, the East side of my house has only 8' of usable space, Banks on Both sides.
5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?
I have no other alternative but to put it in the front of my home.

NOTICES OF APPEAL SHALL BE POSTED ON AFFECTED PROPERTY SO AS TO BE CLEARLY VISIBLE FROM A TRAVELED STREET. THE OWNER OR APPELLANT IS INSTRUCTED TO MAINTAIN POSTING AND TO BE RESPONSIBLE FOR NOTIFYING THE TOWN PROMPTLY IF THE SIGN IS DAMAGED OR REMOVED. FAILURE TO DO SO MAY DELAY BOARD ACTION.

Raymond Leamer
APPLICANT

7-1-14
DATE

York County Tax Map # 020-01-14-013
Zoning Map



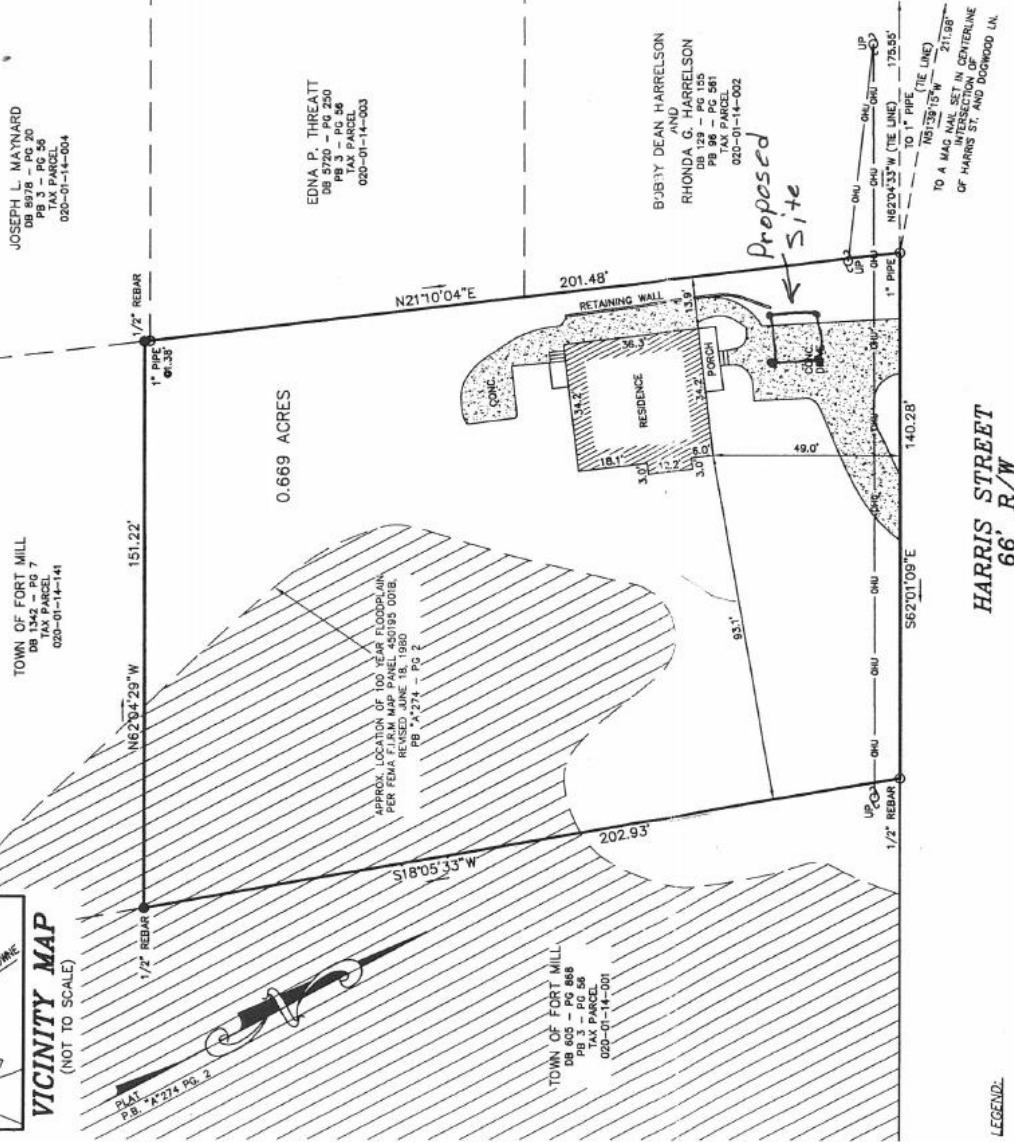
York County Tax Map # 020-01-14-013
Aerial Map







1. SETBACK REQUIREMENTS PER P.B. "A"274, PG. 2
MIN. REAR YARD 35'
MIN. LOT WIDTH AT SETBACK 75'
MIN. SETBACK 35'
MIN. SIDE YARD 7', MIN. BUILDING SEPERATION 18'
2. THERE IS A 5' DRAINAGE EASEMENT ALONG ALL SIDELINES AND A 10' DRAINAGE EASEMENT ALONG ALL REAR LOT LINES.



HARRIS STREET
66' R/W

LEGEND:
UP - UTILITY POLE
OVERHEAD UTILITY LINE - OHU
NO NEW LOTS OR PROPERTY LINES ESTABLISHED.



FISHER - SHERER
INC.
ENGINEERING & SURVEYING
2051 EBENEZER ROAD
ROCK HILL, S.C. 29732
803-327-1232
800-535-9920

NO. C01570

PROPERTY SURVEYED FOR
**RAYMOND LEAMER and
GLENN LEAMER**

LOCATED AT 505 HARRIS STREET
IN THE CITY OF FORT MILL
YORK COUNTY, SOUTH CAROLINA
APRIL 23, 2008
THIS PROPERTY IS DESIGNATED AS BEING LOT 1, BLOCK C SHOWN ON
PLAT OF DOGWOOD LANE SUBDIVISION
RECORDED IN PLAT BOOK "A"274, PAGE 2, YORK COUNTY
TAX PARCEL # 020-01-14-013

I, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN, THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AND FOUND THAT PORTION OF THE ABOVE DESCRIBED IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, TO THE APPROXIMATE EXTENT SHOWN.

Robert R. Medford
ROBERT R. MEDFORD S.C.E. 1265

REVISIONS

NO.	DATE	DESCRIPTION

MONUMENTS LEGEND

IRON PIPE	FOUND	SET
IRON PIN	○	□

SCALE 1" = 30'

